

LEGISLATIVE SUMMARY



2007 Legislative Year

A compilation of legislation from the first half of the 2007-2008 Legislative Session affecting the Department of Toxic Substances Control

State of California

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Introduction

This report summarizes all bills considered by the California State Legislature during the first legislative year of the 2007-08 Legislative Session that either directly or indirectly affects the Department of Toxic Substances Control's (DTSC) mission and programs. This includes bills introduced in 2007 that will be carried over to the 2008 Legislative Year (two-year bills). Bills noted as "Chaptered" were passed by the Legislature and signed by the Governor. Bills noted as "Vetoed" were passed by the Legislature but disapproved by the Governor (veto messages are included at the end of this report). Bills noted as "Dead" either failed passage in a policy or fiscal committee or on the floor of either house of the Legislature, or were no longer pursued by their authors.

The report lists the bills in numerical order and by subject area. All signed bills, except for urgency, tax levy, election, and appropriation measures, which take effect upon the date of signing, take effect on January 1, 2008 of the following year. Occasionally, different legislation amends the same section of law. In most of these instances, the language from the bill that was chaptered last (the higher chapter number) takes precedent and becomes the law.

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Copies of the bills can be obtained from the Bill Room at the State Capitol. Bills and bill-related documents can also be viewed on the California Legislative Counsel's internet site (<http://www.leginfo.ca.gov>).

<p><i>DTSC's 2007 Legislative Summary can also be viewed on its Internet site:</i> <i>http://www.dtsc.ca.gov</i></p>

Acronyms

AB	Assembly Bill
AESTM	Assembly Committee on Environmental Safety and Toxic Materials
ARB	Air Resources Board
BDOs	Boards, Departments and Offices within Cal/EPA
BOE	Board of Equalization
BTH	Business, Transportation and Housing Agency
Cal/EPA	California Environmental Protection Agency
CEQA	California Environmental Quality Act
CIWMB	California Integrated Waste Management Board
CUPA	Certified Unified Program Agency
DOC	Department of Conservation
DFG	Department of Fish and Game
DHS	Department of Health Services
DPH	Department of Public Health
DPR	Department of Parks and Recreation
DTSC	Department of Toxic Substances Control
DWR	Department of Water Resources
EIR	Environmental Impact Report
HCD	Department of Housing and Community Development
OEHHA	Office of Environmental Health Hazard Assessment
OES	Office of Emergency Services
OHS	Office of Homeland Security
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SR	Senate Resolution
SOR	Senate Committee on Rules
SEQ	Senate Committee on Environmental Quality
State	State of California
SWRCB	State Water Resources Control Board
US EPA	United States Environmental Protection Agency

Assembly Bills

AB 3 Bass – Physician assistants. Chapter 376, Statutes of 2007

AB 3 authorizes a physician assistant to administer, provide, or issue a drug order for these classes of controlled substances without advance approval by a supervising physician and surgeon if the physician assistant completes specified educational requirements. The bill requires a physician assistant and his or her supervising physician and surgeon to establish written supervisory guidelines and specifies that this requirement may be satisfied by the adoption of specified protocols. The bill increases to 4 the number of physician assistants a physician and surgeon may supervise and would make related changes.

AB 29 Hancock – Infill development: incentive grants. 2-Year Bill

AB 29 would require certain grant funds, upon appropriation, to be made available to the HCD for the purposes of making infrastructure grants for construction or acquisition of capital assets, as defined, to qualifying cities, counties, and cities and counties. Also, AB 29 would require a project to meet certain, listed criteria in order to be eligible for grant funding.

AB 38 Nava – Department of Emergency Services and Homeland Security. 2-Year Bill

AB 38 would delete the provisions of law governing the OHS, establishing the OES, and providing for the appointment of their respective directors. It would instead establish, under the provisions of the California Emergency Services Act, the Department of Emergency Services and Homeland Security, which would succeed to and be vested with the duties, powers, purposes, responsibilities, and jurisdiction vested with OHS and OES.

AB 47 Smyth – Mining. 2-Year Bill

AB 47 would make technical, nonsubstantive changes the existing law which prohibits a person from conducting surface mining operations without obtaining a permit from the lead agency for those operations, and submitting and receiving approval for a reclamation plan and financial assurances from the lead agency.

AB 48 Saldana – Hazardous waste: electronic equipment. Vetoed

AB 48 would expand the scope of products subject to the Restriction on the use of Hazardous Substances in California under the Electronic Waste Recycling Act to include all of the categories of electrical and electronic equipment included by the European Union.

AB 80 Krekorian – School facilities: energy efficiency. 2-Year Bill

AB 80 would require the State Architect to incorporate specified energy efficiency standards as a condition of certification for school facilities constructed or modernized with state funds.

AB 100 Mullin – Education facilities: Kindergarten-University Public Education Facilities Bond Act of 2008. 2-Year Bill

AB 100 would enact the Kindergarten-University Public Education Facilities Bond Act of 2008, to become operative only if approved by the voters at the November 4, 2008, statewide general election, and would provide for the submission of that act to the voters at that election. The bond act, if approved by the voters, will provide for the issuance of \$9 Billion of state general obligation bonds to provide aid to school

districts, county superintendents of schools, and county boards of education, the California Community Colleges, the University of California, the Hastings College of the Law, and the California State University to construct and modernize education facilities.

AB 188 Aghazarian – Conservation easement registry. Chapter 229, Statutes of 2007

AB 188 will further limit the information that the secretary is required to post on the Internet to specified information regarding conservation easements held or required by the state, or purchased with state grant funds provided by an agency, department, or division of the state on or after January 1, 2006.

AB 258 Krekorian – Water quality: plastic discharges. Chapter 735, Statutes of 2007.

AB 258 will require the SWRCB and RWQCBs to establish a program to control discharges of preproduction plastic pellets to marine environments using specified management practices by January 1, 2009.

AB 274 Coto – Taxation: credit: brownfield cleanup. 2-Year Bill

AB 274 would authorize a credit against those taxes for a qualified "brownfield" property owner, as specified, for each taxable year beginning on or after January 1, 2007, in an amount equal to the costs paid or incurred to clean up a polluted brownfield property, as defined, located in California to a satisfactory level, as evidenced by a written certification of completion.

AB 299 Tran – Maintenance of the codes. Chapter 130, Statutes of 2007

AB 299 would make technical, nonsubstantive changes in various provisions of law to effectuate the recommendations made by the Legislative Counsel to the Legislature regarding necessary legislation to maintain codes.

AB 354 Hernandez – Occupational safety and health: lead-related construction registration program. 2-Year Bill

AB 354 AB 354 would a program to register employers and contractors who perform lead-related construction work. The program would be administered by the Division of Occupational Safety and Health (DOSH), would require the payment of application and renewal fees in amounts to be determined by DOSH, and would require that the fee revenue, upon appropriation, be used for the program. The bill would require an employer or contractor to register to perform lead-related construction work and would set forth other provisions necessary for the operation of the program.

AB 373 Wolk – Local government: community facilities improvement. Chapter 670, Statutes of 2007

AB 373 will conform, the requirements for bonds, including the process through which those bonds are ultimately issued, for School Facilities Improvement Districts (SFID) to the requirements for bonds for school districts and community college districts, including, but not limited to, authorizing the governing board of the school district or community college district that formed the SFID to issue bonds on behalf of that SFID. The prohibition on the boundaries of a SFID including all or part of the territory of a specified community facilities district will be deleted. The board of supervisors of a county in which a SFID is located will be required to file the resolution adopted by that board that made specific provisions related to a SFID applicable with the California Debt Investment Advisory Commission. The requirement that notice of a hearing of the governing board of a school district or community college district on the establishment

of a SFID be posted in 3 public places within the proposed SFID for at least 14 days prior to the time of the hearing will be deleted. The governing board of a school district or community college district that has established a SFID will be authorized to amend the resolution it adopted to establish the SFID in specified ways.

AB 385 Ruskin – Public employees: salaries: professional scientists. Vetoed

AB 385 would require the State and the California Association of Professional Scientists to complete a joint survey of salaries in scientific classifications in California public agencies and report the findings to the Legislature, as well as establish a State policy to consider the survey's findings prior to making salary recommendations.

AB 422 Hancock – Hazardous substances: water quality. Chapter 597, Statutes of 2007

AB 422 would require that any health or ecological risk assessment done under the State Superfund Act address vapor intrusion. Additionally, this bill would provide the SWRCB or RWQCBs with the authority to require a person conducting a brownfields site remediation to assess the risks caused or created by the discharge using human health and environmental screening levels or a site-specific assessment of risks.

AB 501 Swanson – Pharmaceutical devices. 2-Year Bill

AB 501 would require a pharmaceutical manufacturer whose product is administered for home use through a prefilled syringe, prefilled pen needle, or other prefilled injection device to provide each person who uses the product with a container for the safe disposal of the used sharps from the syringe, pen needle, or other injection device. AB 501 would require the container to have a sticker with a specified warning and a toll free- telephone number that identifies safe disposal methods of the container.

AB 513 Lieber – PBDE: prohibition. 2-Year Bill

AB 513 would prohibit the manufacturing, processing, or distribution of products, or parts of products containing decabrominated diphenyl ether after January 1, 2011.

AB 514 Lieber – Workplace safety and health: diacetyl. 2-Year Bill

AB 514 would prohibit the use of all diacetyl and diacetyl containing products by employers and employees after January 1, 2009.

AB 515 Lieber – Occupational safety and health. 2-Year Bill

AB 515 would require the Occupational Safety and Health Standards Board to adopt standards specifying permissible exposure limits for workplace hazardous substances and makes substantive changes to the process by which these standards are set.

AB 518 Mendoza – Hazardous material: aboveground storage tanks. 2-Year Bill

AB 518 would require the schedule that the Aboveground Petroleum Storage Act requires the SWRCB to adopt for the inspection of aboveground storage tank facilities, to provide, on and after January 1, 2008,

that an inspection be conducted at least once every two years. AB 518 would also state intent of the Legislature to enact legislation to prohibit the siting of aboveground storage tanks on lands that are subject to liquefaction.

AB 546 Brownley – Electronic waste. Vetoed

AB 546 would have required a retailer that sells a covered electronic device to provide a customer at the point of sale of the covered electronic device with the board's Internet Web site, which describes where and how to return, recycle, and dispose of a covered electronic device and locations for the collection or return of the device. A retailer would have been required to provide this information to a customer at the point of sale of a covered electronic device through a sign or written material, or on the sales receipt.

AB 558 Feuer – Hazardous waste: reduction: regulation. 2-Year Bill

AB 558 would expand the Hazardous Waste Source Reduction and Management Review Act of 1989 and require DTSC to incorporate techniques to evaluate and seek ways to reduce the use of hazardous materials. Additionally, this bill would require by September 2008, and annually thereafter, DTSC to select a category of hazardous materials, require an accounting of those materials, and assist the generator in the development of a source reduction plan which would be reviewed every four years. This bill would also require the Director of DTSC to develop recommendations for a Green Chemistry Policy pursuant to the Green Chemistry Initiative and present those recommendations to the Secretary for Cal/EPA and the Legislature by July 1, 2008.

AB 579 Swanson – Military base recovery areas. 2-Year Bill

AB 579 would provide an additional 7 years of economic incentives to local agencies to offset military base closures in the area. The current incentives are provided for a period of 8 years.

AB 587 Karnette – Antiterrorism: training courses and activities. Chapter 392, Statutes of 2007

AB 587 appropriates five million dollars from the Antiterrorism Fund to develop antiterrorism training courses and to reimburse local public safety agencies for antiterrorism training activities.

AB 640 De La Torre – Water replenishment districts. 2-Year Bill

AB 640 would require, by January 1, 2010, DWR to conduct a study to determine the specific charges, including underflow in the Central Coast Basin and West Coast Basin within the Water Replenishment District.

AB 656 Plescia – Hazardous waste: alkaline batteries. 2-Year Bill

AB 656 would require the CIWMB and SWRCB, by July 1, 2008, to jointly undertake a study and submit a report to the Legislature regarding whether there are any environmental impacts caused by the random disposal of used alkaline batteries in a permitted solid waste landfill facility, the extent of those impacts caused by that disposal, and proposed solutions to mitigate those identified impacts.

AB 665 DeSaulnier – Growth management. Vetoed

AB 665 would have requested, to the extent that funding is available, that the University of California produce a report on the best practices of transportation-land use planning and growth management that includes specified criteria.

AB 693 Plescia – California Emergency Services Act. 2-Year Bill

The California Emergency Services Act sets forth the intent of the Legislature in enacting its provisions generally. This bill would make technical, nonsubstantive changes to these provisions.

AB 704 Eng – Local government: land use: Resident Advisory Commission on the Environment Act. 2-Year Bill

AB 704 would enact the Resident Advisory Commission on the Environment Act, which would authorize the legislative body of each city, county, and city and county to establish a Resident Advisory Commission on the Environment. The Resident Advisory Commission on the Environment would be charged with advising the legislative body on various matters related to the environment, as specified. The bill would also make legislative findings and declarations regarding environmental concerns.

AB 706 Leno – Fire retardants: toxic effects. 2-Year Bill

AB 706 would revise and extend the findings relating to fire retardants, and would require prohibit the use of brominated fire retardants or chlorinated fire retardants in all seating, bedding and furniture products. Additionally, this bill would require OEHHA to review human, animal, or environmental health risk assessments of a component or chemical used to meet fire retardancy standards set by the Bureau of Home Furnishings and Thermal Insulation (Bureau) and provide a report with conclusions and recommendations regarding those health risks. The Bureau would then make a determination on the prohibition or limitation of the use of chemicals in these products.

AB 722 Levine – Energy: general service lamp. 2-Year Bill

AB 722 would require, by specified dates, general service lamps sold in the state within specified ranges of lumen output to meet a minimum energy efficiency standard of specified lumens per watt.

AB 729 Mullin – Recycling: e-waste. 2-Year Bill

AB 729 would require the CWIMB to adopt regulations for the proper and legal donation of covered electronic devices intended for reuse by a nonprofit organization, including, but not limited to, the development of a form that may be used by an authorized collector when a covered electronic device is transferred by a person or company for refurbishing or reuse by a nonprofit organization.

AB 792 Garcia – Environmentally Sustainable Affordable Housing Program. 2-Year Bill

AB 792 would establish the Environmentally Sustainable Affordable Housing Program under the administration of the HCD, consisting of the Construction Liability Insurance Reform Pilot Program; the Green Building, Energy Efficiency, and Building Design Program; and the Affordable Housing for Teachers Program, all of which would be under the administration of the HCD.

AB 800 Lieu – Discharge of hazardous substance or sewage. Chapter 371, Statutes of 2007

AB 800 clarifies existing law regarding the emergency notification and reporting of raw sewage spills. It would require notification to the local health officer or the environmental health offices as well as alerting OES.

AB 820 Karnette – Recycling polystyrene: state facilities. 2-Year Bill

AB 820 would prohibit a state facility from selling, possessing, or distributing an expanded polystyrene food container on and after January 1, 2009. A state agency would be directed to require each prospective bidder or contractor, on and after January 1, 2009, to certify that it, and its agents, subsidiaries, partners, joint venturers, and subcontractors for procurement, will not sell, possess, or distribute an expanded polystyrene food container at a state facility.

AB 833 Ruskin – California Toxic Release Inventory Program. Chapter 616, Statutes of 2007

AB 833 would enact the California Toxic Release Inventory Program Act of 2007 to require DTSC to develop and implement, by January 1, 2009, the California Toxic Release Inventory Program to require a facility to submit a toxic chemical release form to the department, if the facility is not required to submit a toxic chemical release form containing that same information pursuant to the existing federal regulations.

AB 844 Berryhill – Junk dealers and recyclers: nonferrous material. 2-Year Bill

AB 844 would prohibit a junk dealer or recycler from providing payment for nonferrous material, as defined, unless, except as specified, the payment is made by check, the check is provided no earlier than 3 days after the date of sale, and the dealer or recycler obtains certain identifying information, as specified, to be retained by the dealer or recycler for a certain period of time. The bill would specify that this provision does not apply to the redemption of nonferrous materials of a certain value at a recycling center, as specified, or to coin dealers or automobile recyclers. The bill would also prohibit a city, county, city and county, or a state agency from adopting reporting, identification, or payment requirements for transactions by junk dealers or recyclers involving nonferrous material.

AB 862 Wolk – Public resources: information. 2-Year Bill

AB 862 modifies the process for submitting documents required by CEQA to the State Clearinghouse and establishes a process by which various final documents related to any project funded from the proceeds of state obligation bonds approved by voters starting with the November 2006 statewide election are to be stored and made available on an Internet website.

AB 865 Davis – State agencies: live customer service agents. 2-Year Bill

AB 865 would require each state agency to answer an incoming call with a live customer service agent or automated telephone answering equipment with an automated prompt that allows a caller to select the option to speak with a live customer service agent.

AB 904 Feuer – Recycling: food containers. 2-Year Bill

AB 904 would enact the Plastic and Marine Debris Reduction, Recycling, and Composting Act, which prohibits a food provider from distributing disposable food packaging unless the packaging is compostable or recyclable.

AB 909 Wolk – Mercury monitoring and remediation. 2-Year Bill

AB 909 would establish the mercury characterization and control program at SWRCB to provide grants and to fund development of a mercury control and remediation program for the Sacramento-San Joaquin Delta.

AB 1018 Emmerson – Porter-Cologne Water Quality Control Act: waste cleanup. 2-Year Bill

AB 1018 authorizes the RWQCBs to expend available money to perform any cleanup, abatement, or remedial work required under those circumstances. This bill would make technical, nonsubstantive changes to the provision of law authorizing the regional board to expend money under specified circumstances.

AB 1023 DeSaulnier – Recycling: compostable and biodegradable plastic trash bags. Chapter 143, Statutes of 2007

AB 1023 will exempt, from those requirements for plastic trash bags, a plastic bag that is labeled with one of those terms and meets the ASTM standard specification for that term.

AB 1053 Nunez – Regional Planning, Housing, and Infill Incentive Account: programs. Chapter 692, Statutes of 2007

AB 1053 will add to the definition of "eligible applicant" under the grant program a city, county, city and county, public housing authority, or redevelopment agency that has jurisdiction over a qualifying infill area and applies for funding jointly with an owners' association for a business or property improvement district that includes a qualifying infill area.

AB 1056 Leno – California Ocean Protection Act. Chapter 372, Statutes of 2007

AB 1056 makes changes to the Ocean Protection Council replacing the designation of the Secretary of Resources Agency as Chair with an elected Chair to be determined at the first council meeting of the year. It would also require the council to establish a team of scientists to serve as a science advisory team of scientists to make recommendations to the Council on how to best identify changes needed to improve protection, conservation, and restoration of ocean ecosystems.

AB 1074 Houston – California State Conservation Permit. 2-Year Bill

AB 1074 would require the Secretary of the Resources Agency to establish the California State Conservation Permit. Private landowners to implement conservation measures that enhance and restore wildlife habitat, improve water quality and quantity, or protect endangered or threatened species. Projects must comply with the Natural Resources Conservation Service's Conservation Practice Standards and Specifications and uses funds from one or more specified federal programs.

AB 1088 Carter – Military base conversion redevelopment plans. 2-Year Bill

AB 1088 will clarify the general provisions regarding time limits governing military base conversion redevelopment agencies are not applicable to the Norton and George Air Force Bases redevelopment project areas since the statutes governing these bases provides specific provisions regarding time limit.

AB 1091 Bass – Transit-Oriented Development Implementation Program. Vetoed

AB 1091 would have made changes to the \$300 million Transit-Oriented Development Implementation Fund established under the Housing and Emergency Shelter Trust Fund Act of 2006 (Proposition 1C).

AB 1098 Saldana – Hazardous materials: administrative: penalties: liability. Chapter 623, Statutes of 2007

AB 1098 clarifies enforcement options for imposing administrative and criminal penalties relating to the handling and release of hazardous materials.

AB 1108 Ma – Children's products: phthalates. Chapter 672, Statutes of 2007

AB 1108 prohibits the manufacture, sale, or distribution of certain toys and child care articles if the products have been made with or contain phthalates.

AB 1109 Huffman – Energy resources: lighting efficiency: hazardous waste. Chapter 534, Statutes of 2007

AB 1109 enacts the California Lighting Efficiency and Toxics Reduction Act, prohibiting the manufacture and sale of general purpose lighting products that contain hazardous substances in excess of amounts allowed in the European Union. This bill would also require DTSC, in coordination with CIWMB, to convene a task force to consider and make recommendations on methods for collecting and recycling end-of-life light bulbs. Finally, the bill requires the CEC to adopt minimum energy efficiency standards for lighting by the end of 2008.

AB 1127 Carter – Public health: perchlorate: drinking water standards: City of Rialto: perchlorate. 2-Year Bill

AB 1127 would authorize DHS to contract with the Santa Ana Watershed Project Authority for the purposes of assessing and treating drinking water for perchlorate contamination in and around the City of Rialto, including the identification of perchlorate contamination in drinking water sources, the assessment and identification of inorganic and organic perchlorate in those sources, and the treatment of drinking water to meet primary drinking water standards for the protection of public health.

AB 1130 Laird – Aboveground storage tanks. Chapter 626, Statutes of 2007

AB 1130 requires the CUPAs to implement a unified hazardous waste and hazardous materials management regulatory program rather than the Secretary for Cal/EPA.

AB 1135 Strickland – State government: reports: declarations. Vetoed

AB 1135 would have required a written report, as defined, submitted by any state agency or department to the Legislature, a Member of the Legislature, or any state legislative or executive body to include a signed statement by the head of the agency or department declaring that the factual contents of the written report are true, accurate, and complete to the best of his or her knowledge.

AB 1170 Krekorian – State mandates. 2-Year Bill

AB 1170 would require the Commission on State Mandates to issue a decision upon a local agency or school district test claim no later than 36 months after the date the claim is filed if the claim was filed on or after January 1, 2009, and no later than December 31, 2013. It would require the commission to include in a specified semiannual report to the Legislature a list of each test claim for which a decision was not issued within the 36-month period and an explanation of why it was not met. It also would, with respect to a reimbursement claim that is filed or last amended on or after January 1, 2009, and no later than December 31, 2013, delete the provision that authorizes the Controller to commence an audit no later than 3 years from the date of the initial payment of the claim if certain conditions exist.

AB 1183 Hancock – Hazardous materials: Cortese list. 2-Year Bill

AB 1183 would modify the Cortese List statute to eliminate references to outdated or obsolete lists; include in the list those sites with institutional controls; and require DTSC and SWRCB to post their Cortese Listed sites on their respective websites.

AB 1193 Ruskin – Mercury-added thermostats: collection program. 2-Year Bill

AB 1193 would establish the Mercury Thermostat Collection Act and would require manufacturers that sell thermostats in California to establish and maintain a collection and recycling program for out of service mercury-added thermostats.

AB 1195 Torrico – Recycling: used oil: incentive payments. 2-Year Bill

AB 1195 would require used oil testing and reports for out-of-state shipments of used oil generated in California. AB 1195 would also make modifications to the used oil incentive payment system administered by the CIWMB.

AB 1231 Garcia – Infill development: incentive grants. 2-Year Bill

AB 1231 would require the HCD to use funds allocated from the Regional Planning, Housing, and Infill Incentive Account to make infrastructure grants for construction or acquisition of capital assets to qualifying cities, counties, and cities and counties. The bill would require the grants to be used for infrastructure that is directly related to, and integral to facilitating the development of, identified infill housing projects. The bill would require HCD to issue periodic Notices of Funding Availability specifying per-project limits and the competitive criteria upon which projects shall be selected. The bill would require projects to conform to certain criteria in order to be eligible for funding.

AB 1246 Blakeslee – Land use: natural resources: transfer of property interests. Chapter 330, Statutes of 2007

AB 1246 authorizes a state or local public agency that, in the development of its own project, is required to transfer an interest in real property to mitigate an adverse impact upon natural resources, to transfer the interest to a nonprofit organization that meets the specified requirements.

AB 1252 Caballero – Statewide Park Development and Community Revitalization Act of 2007. 2-Year Bill

AB 1252 would change the name of the act, Urban Park Act of 2006, to the Statewide Park Development and Community Revitalization Act of 2007. A city, regional park district, district, joint powers authority, or county, in addition to specified nonprofit organizations, would be authorized to apply for local assistance program grants. The term "critically underserved community" would replace the term "heavily urbanized county" for purposes of the act and would be defined to include a community with less than 3 acres of usable parkland per 1,000 residents or is a disadvantaged community, as defined, and can demonstrate to DPR that the community has insufficient or no park and recreation facilities. The bill would revise the criteria for awarding grants, and require DPR on or before April 1, 2009, to adopt guidelines to amplify or clarify the grant criteria or develop a procedural guide for the administration of the act and the guidance of applicants. DPR would be required to offer technical assistance to all applicants and potential applicants for both grant preparation and project development to encourage full participation in the grant program.

AB 1257 Caballero – Rural CUPA reimbursement. 2-Year Bill

AB 1257 would make eligible for such an allocation, a county if the CUPA of that county was certified on or before January 1, 2000, and the county has a population of fewer than 70,000 persons. The bill would authorize the secretary to additionally base the amount of the allocation to a county on whether a CUPA has failed to achieve a satisfactory performance standing and if the secretary determines that a CUPA has been assessed as having an unsatisfactory performance standing, the secretary would be authorized to decrease the funding otherwise required to be allocated from that account.

AB 1280 Laird – Ocean resources: California Ocean Protection Trust Fund. Chapter 374, Statutes of 2007

AB 1280 will add grants or loans for development and implementation of fishery management plans under the Marine Life Management Act to the list of projects or activities for which the Ocean Protection Council may expend monies from the California Ocean Protection Trust Fund. AB 1280 specifies the plans shall promote long-term stewardship and encourage collaboration with fishery participants to increase environmental and economic sustainability.

AB 1352 Berryhill – Animals: rendering. 2-Year Bill

AB 1352 would address the need for expanding disposal and recycling alternatives for mortalities of agriculture, and wild and companion animals that have died because of natural or other causes. This bill would require the Department of Food and Agriculture, if sufficient funds are made available from public and private sources, to conduct a study, as specified, of the current status of animal mortality disposal and recycling alternatives, on or before February 1, 2008.

AB 1359 Parra – Hazardous materials: dielectric mineral oil. Chapter 704, Statutes of 2007

Assembly Bill (AB) 1359 would allow a generator of highly refined mineral oil dielectric fluid (used oil) to demonstrate through previous testing that the dielectric fluid (i.e., refined mineral oil) does not exhibit the characteristic of toxicity to claim that their oil is exempt from regulation.

AB 1371 Ruskin – Hazardous waste: civil penalty. Chapter 705, Statutes of 2007

AB 1371 establishes statutory authority for DTSC to pursue civil or administrative penalties against hazardous waste violators for storing or treating hazardous waste at unauthorized facilities or locations, including locations that are not owned or not under the control of the violator.

AB 1391 Brownley – Water quality. 2-Year Bill

AB 1391 would impose legal fines and penalties on a person who fails to provide required notification when sewage, effluent sewage or other type of discharge occurs.

AB 1447 Calderon, Charles – Hazardous waste: major appliances. Chapter 709, Statutes of 2007

AB 1447 revises the Certified Appliance Recycler requirements to allow an appliance service technician to remove refrigerants from major appliances and to allow scrap recycling facilities to accept “orphaned” appliances provided they report it to DTSC and the CUPAs. AB 1447 would also make technical modifications to the CAR requirements.

AB 1527 Arambula – Income and corporation taxes: credits: California Cleantech Advantage Act of 2008. 2-Year Bill

AB 1527 would establish the California Cleantech Advantage Act of 2008 and provides targeted incentives to ensure California’s competitive edge in the leading emerging technologies.

AB 1535 Huffman – Electronic waste: personal computers. 2-Year Bill

AB 1535 would provide that, on and after July 1, 2008, a covered electronic device also includes a personal computer, as defined, thereby imposing a state-mandated local program by creating new crimes. A retailer would be required to collect of fee of \$6 from the consumer at the time of the retail sale of the personal computer, except as specified. Conforming changes to the act would be also be made by the bill with regard to those electronic devices.

AB 1556 Horton – Crimes: hazardous waste. 2-Year Bill

AB 1556 would provide that every person convicted of a felony involving or resulting in a hazardous waste biproduct shall, within the discretion of the court, be punished by an additional term of 1 to 5 years.

AB 1579 Lieber – Information technology goods and services: requests for proposals. 2-Year Bill

AB 1579 would require the Department of General Services to consult with the State Chief Information Officer in developing and drafting requests for proposals with regard to the acquisition of information technology goods and services. The bill would require the State Chief Information Officer to follow specified guidelines when reviewing the state's requests for proposals for the acquisition of information technology goods and services.

AB 1595 Lieber – Disaster mitigation and emergency services. 2-Year Bill

AB 1595 would require OES, in cooperation with OHS, to take specified actions in relation to California's response to emergencies, and to report to the Legislature, in its 2008 annual report, on those actions.

AB 1600 La Malfa – Taxation: state agencies: burden of proof. 2-Year Bill

AB 1600 would provide, for purposes of the taxes and fees administered by the BOE, that the board shall have the burden of proof by clear and convincing evidence in sustaining its assertion of penalties for intent to evade or fraud, as provided, in any proceeding, other than a criminal proceeding, with respect to a factual or legal issue related to ascertaining the tax liability of a taxpayer.

AB 1604 Caballero – Pesticides: fumigant alternatives. 2-Year Bill

AB 1604 would set forth specified legislative findings and declarations regarding agriculture, air pollution, health risks from pesticide use, and the facilitation of less polluting and toxic pest control methods.

AB 1620 Arambula – California Clean Technology Services Unit. 2-Year Bill

AB 1620 would, until January 1, 2013, establish the California Clean Technology Services Unit within the BTH to promote the development of new technologies and products that meet the environmental objectives of the state, to facilitate the ability of businesses to bring clean technologies to California's market, and to coordinate with other state entities in order to encourage clean technologies that meet the state's environmental goals and standards, as provided. AB 1620 would also require the unit to report annually to the Legislature with regard to its activities promoting clean technology within the state.

AB 1621 Smyth – Agricultural wastes. 2-Year Bill

AB 1621 would make a technical, nonsubstantive change to findings and declarations regarding the disposal of agricultural wastes.

AB 1651 Arambula – Taxation: tax credits: qualified capital equipment. 2-Year Bill

AB 1651 would authorize a credit against those taxes for each taxable year beginning on or after January 1, 2008, and before January 1, 2013, in an amount equal to a specified percentage of the amount paid or incurred during the taxable year for qualified capital equipment certified by the California Climate Action Registry or ARB to result in measurable reductions in greenhouse gases.

AB 1741 Committee on Environmental Safety and Toxic Materials – Hazardous waste source reduction. 2-Year Bill

The Hazardous Waste Source Reduction and Management Review Act of 1989, requires specified generators of hazardous waste to maintain certain plans and reports, and summaries with regard to hazardous waste reduction practices. The act provides for the creation of the California Source Reduction Advisory Committee, which is required to evaluate the progress of the source reduction program. The advisory committee is required to operate until April 15, 2002, and after that date only if DTSC makes a specified determination. The department is required to prepare a work plan to implement the act once every 2 years, in consultation with the advisory committee, including an outline of the department's operations and activities proposed for the next 2-year period. AB 1741 would additionally require the work plan to include the status of the California Source Reduction Advisory Committee.

**AB 1742 Committee on Environmental Safety and Toxic Materials – State Water Pollution Control
Revolving Fund: administrative costs.** Chapter 632, Statutes of 2007

AB 1742 authorizes the SWRCB to assess a specified annual charge with regard to a loan made under the revolving fund program. AB 1742 will require the proceeds generated from the imposition of the annual fee, along with other moneys, to be deposited in the State Water Pollution Control Revolving Fund Administration Fund, which the bill would create in the State Treasury. Additionally, the bill will authorize the board to expend the moneys in the fund, upon appropriation by the Legislature to the board, for costs incurred by the board in connection with the administration of the revolving fund program.

SENATE BILLS

SB 27 Simitian – Sacramento-San Joaquin River Delta, Clean Drinking Water, Water Supply Security, and Environmental Improvement Act of 2008. 2-Year Bill

SB 27 would require the Secretary of the Resources Agency, on or before January 1, 2008, to begin implementing certain actions on behalf of the Sacramento-San Joaquin River Delta, including investing in emergency preparedness, funding projects to aid sustainability in the delta, identifying critical levels to be strengthened, and commencing delta restoration projects. The secretary would be required to take necessary action to ensure that the requirements of a specified Governor's executive order relating to the delta are met in a timely manner. The bill would declare legislative intent to enact legislation to begin implementing a program for sustainable management of the delta in 2008.

SB 46 Perata – Housing and Emergency Shelter Trust Fund Act of 2006: Regional Planning, Housing, and Infill Incentive Account. 2-Year Bill

SB 46 would establish the Infill Incentive Grant Program of 2007, to require HCD, upon appropriation by the Legislature of the funds in the Regional Planning, Housing, and Infill Incentive Account for certain purposes, to establish and administer a competitive grant program to allocate those funds to selected qualifying infill projects, as defined, for capital outlay related to infill housing development and related infill infrastructure needs.

SB 47 Perata – Transportation bonds. 2-Year Bill

SB 47 would state the intent of the Legislature to enact provisions governing project eligibility, matching fund requirements, and the application process relative to allocation of bond proceeds to the State-Local Partnership Program.

SB 55 Florez – Water quality: sewage sludge. 2-Year Bill

SB 55 would require a publicly owned treatment works (POTW) to submit a certification to the regional board that any sewage sludge transferred from the facility for disposal or further processing meets the requirements and standards for any pollutants listed in the waste discharge requirements for the POTW issued by the regional board, as specified. The bill would require the POTW to submit the certification to any person or facility that accepts sewage sludge from that POTW for disposal or processing. The bill would require the POTW to submit certification to haulers transporting the sewage sludge that the sewage sludge is nonhazardous. The bill would require the documentation to identify whether the sewage sludge is Class A, Class B, Class EQ, as defined, or contains other similar pathogens.

SB 85 Committee on Budget and Fiscal Review – Environment. Chapter 178, Statutes of 2007

SB 85 will require DFG to undertake the development of a vegetation mapping standard for the state, in consultation with interested stakeholders. The bill will specify components of the standard, and require the department to submit a report to the budget committee of each house of the Legislature, no later than January 10, 2008, that would provide the mapping standard and related information. SB 85 will authorize DFG to adopt regulations to implement these provisions.

SB 86 Committee on Budget and Fiscal Review – State government. Chapter 179, Statutes of 2007

SB 86 will modify the procedures governing the disposition of unclaimed property. SB 86 will provide that, within 165 days after the final date for filing the report described above, the Controller shall mail a notice, as specified, to each person having an address listed in the report that appears to be entitled to property of the value of \$50 or more escheated under these provisions. It would require the Controller to establish and conduct a notification program designed to inform owners about the possible existence of unclaimed property received pursuant to these provisions.

SB 144 Committee on Local Government – Local Government Omnibus Act of 2007. Chapter 343, Statutes of 2007

SB 144 requires a corporation that is created by a local elected agency, as specified, and an agency or entity formed pursuant to a joint powers agreement, as specified, to furnish an additional copy of its articles of incorporation, or notice of the agreement to the Secretary of State, and would require the Secretary of State to forward the extra copy to the Controller.

SB 178 Steinberg – Groundwater. Vetoed

SB 178 would have established a groundwater monitoring program pursuant to which specified entities, in accordance with prescribed procedures, may propose to be designated by DWR as groundwater monitoring entities, for the purposes of monitoring and reporting with regard to groundwater elevations in all or part of a basin or subbasin. It would have required DWR to work cooperatively with each monitoring entity to determine the manner in which groundwater elevation information should be reported to DWR. SB 178 would have authorized the department to make recommendations for improving an existing monitoring program, and to require additional monitoring of wells if funds are provided for that purpose.

SB 245 Aanestad – Environment: CEQA. 2-Year Bill

SB 245 would make technical and nonsubstantive changes to the definition of "environment." The CEQA requires a lead agency, as defined, to prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on a project, as defined, that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect.

SB 291 Simitian – Pollution prevention: California Design for the Environment Program. 2-Year Bill

SB 291 would authorize the Director of DTSC to establish the California Design for the Environment Program, to provide a forum for soliciting comments about green chemistry, green engineering, and design for the environment from a broad range of participants from academia and nongovernmental organizations, with expertise and interest in sustainability and green chemistry. SB 291 would authorize the director to establish linkages with other states' agencies and university-based programs, in order to draw on the knowledge of other experts. Additionally, this bill would require the director, to the extent practicable, to use existing resources to achieve the purposes of the program, and would authorize the director to seek and receive specified funding to support the program.

SB 300 Corbett – Recycling: beverage containers: San Francisco Bay area. 2-Year Bill

SB 300 would authorize DOC to expend \$30,000,000 to fund grants that are overseen and awarded by the SWRCB to local governments or nonprofit agencies to reduce beverage containers and litter that ends up in the San Francisco Bay through wind or storm drains.

SB 329 Dutton – Hazardous materials: business plans. 2-Year Bill

SB 329 would require OES, in consultation with DTSC, to adopt regulations to authorize an administering agency to allow a business to submit a Spill Prevention Control and Countermeasure Plan to the administering agency, in lieu of submitting a business plan.

SB 395 Cox – Water supply: groundwater aquifers. 2-Year Bill

SB 395 would establish the North American Basin Groundwater Storage Act of 2007. It would make findings and declarations of the Legislature relating to the use of groundwater aquifers to increase water supply reliability. The bill would authorize local public agencies located in the North American subbasin of the Sacramento Valley Groundwater Basin to implement projects that use an aquifer storage and recovery well to inject drinking water into a groundwater aquifer, store that drinking water in that aquifer, and later pump that drinking water for the local public agency's use. SB 395 would require that local public agency to conduct a public hearing concerning the project and provide notice.

SB 427 Harman – CEQA: short form environmental impact reports. 2-Year Bill

SB 427 would authorize a lead agency to prepare a short form environmental impact report for a project subject to CEQA if the project meets specified criteria, including that the project is a qualified urban use, is within the an area designated in a qualified programmatic plan for the type of proposed development, is consistent with the land use designation for the area and applicable standards of population density and building intensity, provides housing or employment near specified areas, and incorporates specified mitigation measures. It would also require that a short form environmental impact report include specified information, and comply with specified procedural requirements of CEQA for an environmental impact report.

SB 429 Ducheny – Land use controls. 2-Year Bill

SB 429 would require Cal/EPA, CIWMB, SWRCB, RWQCB, DTSC and specified local agencies, including a local officer supervising a remedial action to a release of waste, a local agency abating a hazardous substance from an underground storage tank, an administering agency supervising a site investigation or remedial action, or a local solid waste enforcement agency, to notify the building, planning, or engineering department in the affected city or county if it takes certain actions with regard to approving a remedial action, removal action, closure, corrective action, or any other type of environmental cleanup action, finds that the property subject to the action is not suitable for unrestricted use, and requires that the property be subject to a land use control, or if it enters into, or imposes, a specified instrument or agreement restricting land uses.

SB 456 Simitian – Diacetyl. 2-Year Bill

SB 456 would prohibit, on and after June 1, 2008, a person from manufacturing, processing, or distributing in commerce a product containing diacetyl, unless an exemption has been granted.

SB 469 Runner – Environment: energy. 2-Year Bill

SB 469 would require the State Energy Resources Conservation and Development Commission, in the Resources Agency to identify practices and financial impediments that currently discourage private capital from being invested in privately held self-generation facilities, and the impact on the existing transmission system, the environment, and efforts to reduce greenhouse gases that would be associated with new generation capacity, and report those findings to the Legislature by January 1, 2008.

SB 509 Simitian – Consumer products: content information. 2-Year Bill

SB 509 would require a manufacturer or wholesaler of a consumer product to provide a notice that lists all substances, identified by a number or other unique identifier, that are contained in that product by more than 1/10 of 1%, by posting that information on the manufacturer's or wholesaler's Web site. A manufacturer or wholesaler that does not maintain a Web site would be required to establish a Web site. SB 509 would declare that its provisions are severable and if any provision of the bill is held invalid, that invalidity would not affect other provisions or applications that can be given effect without the invalid provision or application.

SB 522 Dutton – Infill housing: incentives. 2-Year Bill

SB 522 would authorize HCD to administer a program to provide grants to cities and counties with allocated bond funds for the construction or acquisition of capital assets, as defined, to qualifying cities, counties, and cities and counties. Also, it would further set forth specific criteria upon which the department shall give preference for a awarding a grant under this program.

SB 546 Ducheny - Department of Housing and Community Development: bond fund expenditures: report. 2-Year Bill

SB 546 would require the HCD bond fund expenditures report to include certain information relating to the programs funded under the Housing and Emergency Shelter Trust Fund Act of 2002 and the Housing and Emergency Shelter Trust Fund Act of 2006.

SB 578 Simitian – Environment: high production volume chemical. 2-Year Bill

SB 578 would require a manufacturer of a high production volume chemical, by October 1, 2008, to submit to DTSC, in an electronic format specified by the department, any environmental health information that the manufacturer previously submitted, on or after January 1, 2000, to the High Production Volume Challenge Program conducted by the US EPA or to any foreign government. A manufacturer would be required to submit to the department, by October 1, 2009, and on or before October 1 annually thereafter, the information the manufacturer submitted to those entities the previous calendar year.

SB 592 Cogdill – Methamphetamine: liable party: property owner reimbursement. 2-Year Bill

SB 592 would authorize an owner of real property to submit a claim for reimbursement of costs to DTSC, if the owner is required to be reimbursed by a liable party for any costs the owner incurs for remediating the property, but is unable to obtain reimbursement from that liable party or is unable to identify a potentially responsible party for the contamination.

SB 628 Correa – Controlled substances. 2-Year Bill

SB 628 would make the possession for sale of specified controlled substances a felony punishable by imprisonment in the state prison for 2, 3, or 4 years.

SB 651 Calderon – Drinking water: pipes and fittings: lead content. 2-Year Bill

SB 651 would revise the provisions for drinking water pipes and filters that would take effect on January 1, 2010, to, among other things, require that the plumbing material be certified for compliance with these provisions by an independent 3rd party.

SB 695 Wiggins – Public employment: Department of Fish and Game. 2-Year Bill

SB 695 would require the state to pay law enforcement officers of DFG who are classified as rank and file, supervisory, or managerial, the estimated average total compensation for each corresponding rank for the Alameda, Contra Costa, Monterey, Napa, Orange, and Sonoma County Sheriff's Departments, to be implemented through a memorandum of understanding, as specified. It would require the state and the exclusive representatives of the rank and file, supervisory, and managerial law enforcement officers of DFG to jointly survey annually and calculate the estimated average total compensation based on projected average total compensation for those departments, as specified.

SB 721 Ashburn – State agencies: succession plans. 2-Year Bill

SB 721 would require every state agency to establish and implement a succession plan consisting of the duties of state agencies with regard to, among other things, contracts, records, open meeting laws, reports, training, examinations, and rulemaking. By January 1, 2012, every state agency would be required to report to the Legislature on the success or failure of the implemented succession plan.

SB 763 Ridley-Thomas – Economic development programs: Business, Transportation and Housing Agency. 2-Year Bill

SB 763 would define various terms for purposes of economic development programs. It would additionally declare the intent of the Legislature to enact legislation providing that all economic development programs implemented BTH should, at the discretion of the Secretary, adopt specified objectives.

SB 774 Ridley-Thomas – Hazardous packaging. Chapter 659, Statutes of 2007

SB 774 will prohibit a glass bottle package with paint or applied ceramic decoration from qualifying for an exemption under that act if the paint or decoration contains lead or lead compounds in excess of 0.06% by weight.

SB 775 Ridley-Thomas – Childhood lead poisoning. 2-year Bill

SB 775 would require DPH to make informational materials on health risks associated with lead available to all health care providers who administer prenatal care services. Also, this bill would require all children six years of age or younger to have a lead risk assessment and, if necessary, a lead blood test before enrolling in school and for this to be documented on the child's immunization record. Additionally, SB 775 would require laboratories to report additional information to DPH associated with tests for lead exposure.

SB 817 Ducheny – Hazardous waste: treatment: silver. 2-Year Bill

SB 817 would include, in the exemption from the requirement for obtaining a hazardous waste facilities permit, a hazardous waste treatment activity in which the generator treats spent photoimaging solutions that are hazardous solely due to their silver content, if specified conditions are met.

SB 861 Wiggins – North Coast Railroad Authority. Vetoed

SB 861 would have revised the designation of funds under the Transportation Congestion Relief Program to the North Coast Railroad Authority to operate the former Northwestern Pacific Railroad between Napa and Humboldt Counties to allow reallocation of \$5.5 million reserved for loan repayment to other authority purposes. Of these funds, \$3.5 million would be allocated to environmental cleanup, \$1 million for administrative costs associated with the cleanup, and the remainder to create quiet zones and various upgrades.

SB 898 Simitian – Personal income tax return: voluntary contributions. Chapter 665, Statutes of 2007

SB 898 will repeal on January 1, 2013, the contribution provisions for the State Children's Trust Fund for the Prevention of Child Abuse and the Endangered and Rare Fish, Wildlife, and Plant Species Conservation and Enhancement Account.

SB 899 Simitian – Toxic packaging materials. 2-Year Bill

SB 899 would enact the Toxic Free Oceans Act of 2007 and would prohibit after June 1, 2015, the manufacturing, processing or distributing of plastic packaging used for commercial purposes if the packaging contains styrene, bisphenol-A, perflourooctanoic acid, vinyl chloride, nonylphenol or alkylphenol.

SB 912 Negrete McLeod – Highway safety: flares: electronic beacons. 2-Year Bill

SB 912 would require a vehicle used in the transportation of explosives to also carry at least 3 reflective triangles or electronic beacons.

SB 932 Ashburn – Hazardous waste: listings. 2-Year Bill

Existing law requires DTSC to prepare, adopt, and revise a listing of wastes that are determined to be hazardous or extremely hazardous, for regulation pursuant to the hazardous waste control laws. SB 932 would make technical, nonsubstantive changes to that provision.

SB 951 Wyland – School facilities: schoolsites. 2-Year Bill

Existing law sets forth various definitions for purposes of certain provisions of existing law dealing with the acquisition of schoolsites. SB 951 would make technical, nonsubstantive changes to those definition provisions.

SB 958 Margett – Hazardous Waste Control Law. 2-Year Bill

Existing law generally regulates the management, disposal, and transportation of hazardous waste. SB 958 would declare that these provisions shall be known, and may be cited as, the hazardous waste control law.

SB 966 Simitian – Pharmaceutical drug waste disposal. Chapter 542, Statutes of 2007

SB 966 requires the CIWMB to develop, in consultation with appropriate state, local, and federal agencies, model programs for the collection and proper disposal of pharmaceutical drug waste. The model programs are required to include, at a minimum, specific actions and informational elements and would be required to

be available to eligible participants no sooner than July 1, 2008, but no later than December 1, 2008.

SB 973 Simitian – Chemicals of concern. 2-Year Bill

SB 973 would require DTSC, by March 1, 2008, to compile a list of chemicals of concern, which would be defined as substances for which the Canadian Minister of the Environment has made a specified recommendation, on or before January 1, 2007, pursuant to the Canadian Environmental Protection Act, 1999, and to post this list on the Internet Web site of DTSC.

SB 990 Kuehl – Hazardous waste: Santa Susana Field Laboratory. Chapter 729, Statutes of 2007

SB 990 authorizes DTSC to use both its Hazardous Waste Control Law and its Carpenter-Presley-Tanner Hazardous Substance Account Act authority to require that the cleanup of the Santa Susana Field Laboratory site in Ventura County be conducted in accordance with the State Superfund. In addition, SB 990 will require the Director of DTSC to certify that the site has been fully cleaned from chemical and radiological contamination before the site could be offered for sale.

SB 1016 Wiggins – Diversion: annual report. 2-Year Bill

SB 1016 would authorize CIWMB, if it determines that a city or county has diverted more than 50% of solid waste from landfill disposal through source reduction, recycling, and composting activities, to instead submit once every 2 years the information required in the report. Additionally, SB 1016 would provide that if the CIWMB authorizes a city or county to submit this information once every 2 years, and either the city or county subsequently fails to divert 50% of the solid waste, or if the board rescinds the authorization, the city or county would be required to submit the report annually.

SB 1021 Padilla – Beverage containers: grants. Chapter 724, Statutes of 2007

SB 1021 authorizes DOC to expend up to \$15 Million from January 1, 2008, to January 1, 2009, to provide grants to place source separated beverage container recycling receptacles in multifamily housing, thereby making an appropriation. SB 1021 will also authorize DC to expend \$198,000 from the fund, on a one-time basis, for the administrative costs of implementing this grant program.

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VETO MESSAGES

To the Members of the California State Assembly:

I am returning Assembly Bill 48 without my signature.

This bill exponentially expands the scope of electrical and electronic equipment subject to the Restriction on the use of Hazardous Substances (RoHS) provisions under the California Waste Recycling Act.

Unfortunately, the approach taken in this bill is largely unworkable and instead of the benefits it seeks to accomplish, could ultimately result in unintended and potentially more harmful consequences. This bill purports to impose restrictions similar to those already in place in the European Union, but the deviations it takes from the European Union approach are fatally flawed. For example, the exemption language for spare parts and refurbished products, as currently written in this bill, will make many electronic products prematurely obsolete and force their retirement years earlier than necessary. The European Union RoHS Directive includes a specific exemption for spare and refurbished products to promote and extend the lives of electronic products and keep them out of the waste stream.

Additionally, this bill significantly expands the list of products subject to California's restriction on the use of specified hazardous metals. Existing law covers nine categories of video display devices. This bill is overly broad in its scope because it would prohibit the sale of potentially tens of thousands of electrical and electronic products for California's consumers and businesses.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Assembly:

I am returning Assembly Bill 385 without my signature.

This bill would unnecessarily mandate a compensation survey be jointly conducted between the State and the bargaining unit that represents scientists. This is redundant of existing law which requires the State to survey prevailing wages in occupations comparable to those in state service.

The bill is also redundant of provisions in the negotiated collective bargaining agreement with the unit in question. If the State of California is to have good faith collective bargaining, then employee wages, hours, and terms and conditions must not be legislated. However, I value the dedication and work of the State's scientists, and I am concerned that salaries for this group may have fallen behind those of comparable workers. So, I am directing my Department of Personnel Administration to work together with the scientists during the next round of bargaining to ensure that survey results for this group are looked at seriously and that the State is moving in the direction of achieving fair and equitable compensation for the scientists.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Assembly:

I am returning Assembly Bill 546 without my signature.

This bill would require a retail seller of covered electronic devices (CEDs) to provide customers, at the point of sale, with the Internet address of the web site of the California Integrated Waste Management Board (IWMB), which describes where and how to return, recycle, and dispose of a covered electronic device and locations for the collection or return of the device.

This bill is redundant of existing law and, therefore, is unnecessary. Current law already requires CED manufacturers to provide consumers with information that describes where and how to return, recycle, and properly dispose of CEDs. Moreover, this information may take the form of a toll-free telephone number, Internet web site, information labeled on the device, information included in the packaging, or information accompanying the sale of the CED.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Assembly:

I am returning Assembly Bill 665 without my signature.

This bill would require the Department of Housing and Community Development (HCD) to produce a report regarding growth management. However, some of the criteria called for in the report would require data which would be problematic, if not impossible, to gather. Also, while the bill provides that the report is only required to the extent funding is available, the bill requires HCD to make efforts to obtain the needed funding.

This provision would place unnecessary pressure on HCD's general fund programs. If HCD were successful in obtaining the necessary funds, they could be better spent on activities that would help alleviate California's affordable housing crisis.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Assembly:

I am returning Assembly Bill 1091 without my signature.

This bill would modify the existing Proposition 1C Transit-Oriented Development Implementation Program by changing the maximum distance between a proposed project and a transit station from one-quarter mile to one-half mile. The program was created to provide high density affordable housing in close proximity to transit stations to encourage public transit rider ship and vehicle emissions reduction.

This bill could substantially reduce the effectiveness of this program by allowing for developments one-half mile in distance from a transit station. This half-mile measurement could be taken from the outer edge of the development, and could result in a walking distance substantially greater than one-half mile, which could discourage many residents from utilizing public transit. This bill is inconsistent with the State's goals to reduce vehicle emissions and encourage alternative methods of transportation. In addition, I believe this bill is unnecessary since the Department of Housing and Community Development is preparing program guidelines that will be adopted later this year to provide enough flexibility to allow critical projects to be funded, while at the same time preserving the important goals of this program.

It is for these reasons that I cannot sign this legislation into law.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Assembly:

I am returning Assembly Bill 1135 without my signature.

This bill requires written reports submitted to the Legislature to include a signed statement by the head of the agency or department that the contents of the report are true, accurate, and complete. As I stated when I vetoed similar legislation last year, I agree that the Legislature should base their decisions on sound information that is true, accurate and complete. To that end, I noted that state law already makes it a misdemeanor for a state or local official to submit a written report containing false information to the State Controller. Further, the Legislature already has the authority to question the accuracy of any information presented to it.

Finally, this bill would create an inconsistent system in which some of the information submitted by the Administration is subject to declarations of truth while all other information used in the legislature's deliberative process is not.

For these reasons, I am again returning this bill without my signature.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Senate:

I am returning Senate Bill 178 without my signature.

This bill seeks to establish a statewide groundwater elevation monitoring program and would require the resulting groundwater information to be readily and widely available on or before January 1, 2010.

I recognize that this bill is attempting to provide new, useful information about groundwater elevation. However, this bill places significant and enormously costly requirements on the Department of Water Resources (Department) to undertake a great deal of work without assuring any guarantees of the receipt of any new information regarding groundwater elevations within any basin in the state. The Department estimates that this bill would result in costs approaching \$40 million in the first five years of effort to fulfill its intent. Without also providing the necessary funding, this bill would force the Department to siphon scarce resources away from its existing core mission programs. The Department will continue its efforts to collect groundwater data and to work with the landowners to ensure appropriate information is available. However this bill would likely not provide sufficient new information to justify the expense.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Senate:

I am returning Senate Bill 861 without my signature.

Two years ago, I vetoed a substantially similar bill. I commend the efforts of the North Coast Railroad Authority over the last two years to clean up the environmental hazards along the rail line and bring closer the reality of the railroad actually performing again. However, these accomplishments do not change the reasons why I vetoed the previous bill.

Since the Authority will not receive any less money of the \$60 million in state Traffic Relief Plan funds they originally expected, the \$5.5 million savings should revert back to the Transportation Investment Fund so that it can be allocated by the California Transportation Commission to other projects within the Transportation Congestion Relief Program.

Sincerely,

Arnold Schwarzenegger

SIGNING MESSAGES

To the Members of the California State Assembly:

I am signing Assembly Bill 1108, which would restrict a group of chemicals called phthalates, a type of plasticizer, from use in children's toys and child care articles. While I believe the circumstances related to phthalates warrant taking action now, I do not believe that addressing this type of concern in the Legislature on a chemical by chemical, product by product basis is the best or most effective way to make chemical policy in California.

I strongly believe there needs to be a systematic way to address these types of concerns where California's scientists can work together with experts from throughout the world to evaluate the health effects of chemicals, assess the risks they pose, and ensure that the safety of possible alternatives receives the same consideration. I am looking forward to the recommendations being developed as part of the Green Chemistry Initiative led by my Secretary for Environmental Protection.

I encourage the Legislature and all California stakeholders to participate in this important initiative so that we can develop policies that will again allow California to lead the nation and the world in health and environmental protection.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Senate:

I am sustaining the entire \$300 million for the Infill Incentives Grant Program established under the Proposition 1C Housing Bond. However, I do have concerns regarding the \$60 million appropriation for California Pollution Control Authority to fund brownfields cleanup under the CALReUSE program.

While Senate Bill 86 provides funds to the CALReUSE program, I request that clean-up legislation be authored to address a more direct linkage in that program to the production of new housing and to ensure that funds not allocated by CALReUSE or used by program recipients for this purpose be reverted to the Proposition 1C Infill Incentives Grant Program at the Department of Housing and Community Development.

Sincerely,

Arnold Schwarzenegger

To the Members of the California State Senate:

I am signing SB 990 which would specify the basis of cleanup standards to be used at the Santa Susana Field Laboratory property in Ventura County, California. The cleanup of this property is needed to protect the health of residents in adjacent communities.

The Boeing Company (Boeing) has signed, together with the California Environmental Protection Agency and the Resources Agency, a Letter of Intent (LOI) regarding the transfer of the property to the State, after extensive cleanup and at no cost to the State, for park, recreational or open-space use. The LOI outlines the elements of a legally binding land transfer agreement, to be developed and entered into by Boeing and the State, which would include the following key requirements: 1) Boeing would be required to clean up the Santa Susana Field Laboratory Property, prior to transfer to the State, to levels which would be acceptable for residential use and which would protect individuals living in the vicinity of the property; and 2) The property could not be used in the future for residential, agricultural, commercial, industrial or other uses, except for park, recreational or open space uses.

To make this transfer possible, the author has agreed to carry clean-up legislation in 2008 to allow the transfer to the State of the Santa Susana Field Laboratory property after property cleanup under the terms of a written agreement that makes the elements of the LOI legally binding.

Sincerely,

Arnold Schwarzenegger